

EXHIBIT NO. 1

5  
1-24-04

Docket Item # 5  
SPECIAL USE PERMIT #2003-0104

Planning Commission Meeting  
January 6, 2004

**ISSUE:** Consideration of a request for a special use permit to operate a child care home.

**APPLICANT:** Soad E. Davis

**LOCATION:** 4323 Utica Avenue

**ZONE:** R-2-5/Residential

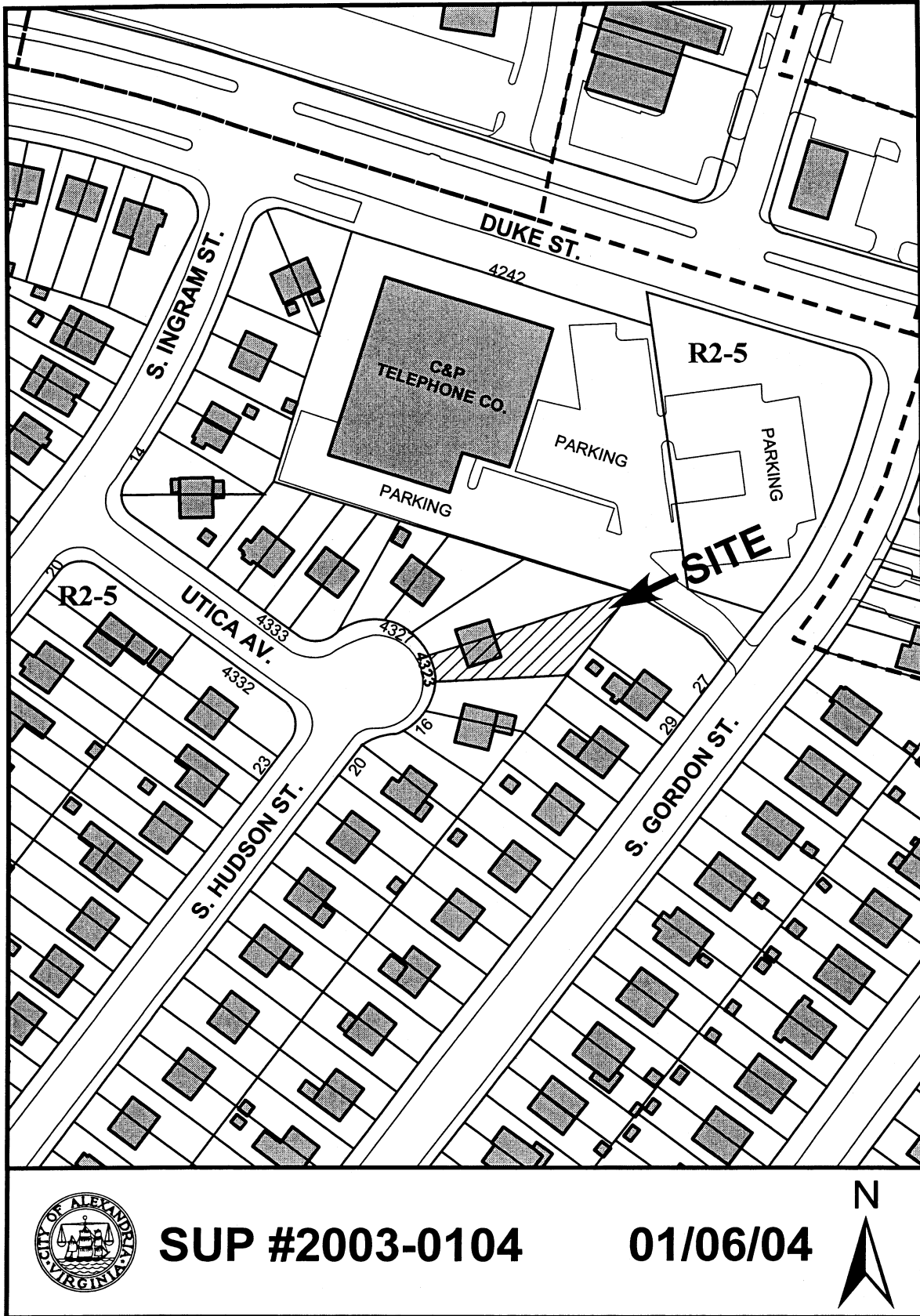
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**STAFF RECOMMENDATION:** Staff recommends approval of the request to operate a child care home with a maximum of eight children, subject to compliance with all applicable codes, ordinances and recommended permit conditions as outlined in Section III of this report.

**PLANNING COMMISSION ACTION, JANUARY 6, 2004:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

**Reason:** The Planning Commission agreed with staff's analysis.

**Speakers:** None



## **I. DISCUSSION**

### **REQUEST**

The applicant, Soad E. Davis, requests special use permit approval for the operation of a child care home with a maximum of nine children located at 4323 Utica Avenue.

Pursuant to Section 7-500(B) of the zoning ordinance, a child care home for six to nine children requires special use permit approval.

### **SITE DESCRIPTION**

The subject property is one lot of record with a total lot area of 5,780 square feet. The site is located at the end of a cul-de-sac between Hudson Street and Utica Avenue with vehicular access from both streets. It is developed with an attached, two-story duplex where the applicant resides and occupies both floors.

### **SURROUNDING USES**

The property is surrounded by residential uses with predominantly townhouse and duplex structures. Verizon offices are located further north and are visible from the applicant's backyard.

### **PROJECT DESCRIPTION**

The applicant is currently caring for five children in her principal residence, two of whom are unrelated and three of whom are her own children. She seeks permission to increase the number of children in her care to nine. Her three children are six, three and two years old. The applicant has been a registered family child care provider with the City of Alexandria since April 18, 2002 and has made significant improvements to her home since then. The applicant has applied to the State Department of Social Services to expand her child care. She uses three rooms on the main floor for the child care facility and uses the relatively large and fenced backyard for outdoor activities.

Number and age of children: The Social Services Department has advised that given the size of the applicant's residence, the applicant's special use permit should be limited to no more than eight children. According to the applicant, the children will range in age from infants to six years.

Hours of operation: The child care home will operate Monday through Friday from 7:00 A.M. to 7:00 P.M. Children will typically be dropped off between 7:00 A.M. and 8:00 AM and picked up between 5:00 P.M. and 7:00 P.M.

Outdoor Play area: The applicant uses the large fenced rear yard for outdoor activities. The yard includes 1,500 square feet of outdoor play area, accommodating more than 75 square feet per child above the age of two and therefore exceeding the requirements stipulated under Section 7-500 (B). Additionally, there are two City parks, Ewald Park and Tarleton Park, that are located in the vicinity of the residence which provide additional outdoor play area options.

Employees: The applicant indicates that three employees will staff the child care home, with a maximum of two employees, the applicant and one assistant, on site at any one time. Requirements for the assistants' training are specified under the recommended permit conditions.

Trash: The applicant anticipates that one bag of trash per day will be generated by the proposed use. Trash is disposed of in a bin located on the property's side yard and is collected along with the residential garbage in the neighborhood once a week.

Noise: The applicant anticipates some noise generated from children playing in the backyard. However, children are under supervision at all times and are not allowed to go outside without her permission. The applicant and staff escort the children during any outdoor and off-site activities.

#### PARKING

Section 8-200 (A) of the zoning ordinance does not specify a particular parking requirement for a child care home. On-street public parking spaces are available in the cul-de-sac in front of the applicant's home that should allow for safe pick-up and drop-off of children away from vehicle travel ways. Additionally, the applicant's residence has a driveway accommodating two vehicles.

#### ZONING

The subject property is located in the R-2-5/Residential zone. Section 3-502 (D) of the zoning ordinance allows a child care home in the R-2-5 zone only with a special use permit.

#### MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan, which designates the property for residential use.

## **II. STAFF ANALYSIS**

Staff has no objection to the proposed child care home located at 4323 Utica Avenue. The proposed use is consistent with the requirements for child care homes set forth in the zoning ordinance. In addition, the Department of Human Services states that the applicant has been a registered family child care provider for nearly two years and is in the process of obtaining a State License for the larger facility and recommends approval of the application. Furthermore, the applicant has received a favorable recommendation from the Alexandria Department of Social Services.

Adequate open space is provided on-site. In addition, there are two City parks located in the vicinity of the child care home.

Adequate on- and off-site parking is also available. In addition, parents will likely drop off or pick up their children at different times, staggering the demand for parking and reducing the overall

impact of additional cars associated with this use. Lastly, because the residence is located in a cul-de-sac between Utica Avenue and S. Hudson Street, the area may be less impacted with traffic congestion associated with the pick up and drop off activities than if the home were located on a regular through street.

Consistent with the Social Services Department's recommendation, staff has included a condition limiting the maximum number of children to be cared for by the applicant to eight.

With these conditions, staff recommends approval of the special use permit.

### **III. RECOMMENDED PERMIT CONDITIONS**

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The applicant shall provide child care for no more than eight children at any one time. (P&Z) (Social Services)
3. The applicant shall comply with all other department's recommendations, and the licensing and registration requirements and other limitations of local and state regulations. (Social Services)
4. The applicant shall have the help of assistants who have successfully been trained and certified in First Aid procedures. (Social Services)
5. The basement shall never be used for child care. (Social Services)
6. This special use permit shall not be effective unless and until the child care home for up to eight children is licensed by the Virginia Department of Social Services. (P&Z)
7. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
8. The hours of operation shall be limited to between 7:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)
9. No external speakers outside the building will be installed and no amplified sound shall be audible at the property line. (T&ES)

10. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center, a robbery awareness program for employees, and regarding safety programs available through the department for the children. This is to be completed prior to the child care home opening for business. (Police)
11. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)
12. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

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Staff Note:

The applicant shall obtain a certificate of occupancy prior to commencement of the child care home. The applicant must be registered with the Alexandria Department of Social Services.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Bettina Irps, Urban Planner.

#### **IV. CITY DEPARTMENT COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

##### **Transportation & Environmental Services:**

- F-1 The location of the facility on a cul-de-sac type street should allow for safe pick up and drop off of children away from vehicle travel ways.
- R-1 No external speakers outside the building will be installed and no amplified sound shall be audible at the property line.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

##### **Code Enforcement:**

- C-1 This review is based on the assumption that this facility will be licensed as a family day home by the Virginia Department of Social Services. If this does not occur then the number of children served at one time shall be limited to five.
- C-2 Smoke detectors shall be provided in all sleeping areas.
- C-3 Fire extinguishers shall be provided at this facility.
- C-4 A certificate of occupancy shall be obtained prior to occupying this facility.

##### **Health Department:**

- F-1 No objection, in that this department has no regulations governing Child Care Homes.

##### **Police Department:**

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center. This is to be completed prior to the child care home opening for business.

- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for employees.
- R-3 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding safety programs available through the department for the children.

Human Services - Social Services:

- F-1 Ms. Soad Davis of 4323 Utica Avenue has been a registered family child care provider since April 18, 2002. Her current child care permit expires on May 31, 2004. Ms. Davis provides child care for five children, two unrelated and three of whom are her own children. Her three children are six, three and two years old. The six and the three year old are usually out of the home during the day as they attend school.
- F-2 Ms. Davis wishes to expand her child care business and be able to care for up to nine children. She has begun the process to qualify for a state license. Her husband and her mother have expressed interest in helping her with child care duties. To be certified as an assistant a person must complete the same 35 hour training course as Ms. Davis did and be certified in First Aid. These courses are offered at no cost to individuals who wish to act as assistants in child care homes. The next 35 hour training series will be offered in early January 2004. In the meantime Ms. Davis is attempting to locate a suitable assistant who has already has been trained..
- F-3 Ms. Davis secured a loan of \$85,000 and has made significant improvements to her home since gaining her permit to do child care in 2002. She lives in a duplex on Utica Avenue that has a relatively large, fenced back yard.
- C-1 The basement in this unit has only one exit and Ms. Davis has agreed to never use the basement for any activities related to caring for children. She will use her living room and the two rooms she has added on the main floor of the house for the majority of her child care duties.
- R-1 Approval of the Special Use Permit for no more than eight children, pending compliance with other departments' recommendations, and subject to the licensing and registration requirements and other limitations of local and state regulations, and on the condition that she always have the help of assistants who have successfully been trained and certified in First Aid procedures and that the basement never be used for child care.



Department of Recreation, Parks:

- S-1 Purchase new swing set with proper buffer distances from fence and other play equipment; 9 feet minimum. Install equipment per manufacturers recommendations and most recent ASTM Consumer Safety Specification for Home Playground Equipment.
- S-2 Play equipment should be located on 12 inches of approved play surfacing, for example, a mulch manufactured specifically for playground surfacing. Surfacing should be contained by borders, such as timber ties.
- S-3 Install fencing 6 feet in height along northwest property line.

# APPLICATION for SPECIAL USE PERMIT # 2003-0104

[must use black ink or type]

PROPERTY LOCATION: 4323 Utica Ave

TAX MAP REFERENCE: 59.02-07-18 ZONE: R-2-5

APPLICANT Name: Soad Elmahdi-Davis

Address: 4323 Utica Ave. Alexandria, VA 22304

PROPERTY OWNER Name: Soad Elmahdi-Davis, Michael Davis

Address: 4323 Utica Ave. Alexandria VA 22304

PROPOSED USE: Home Day Care

**THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Soad E. Davis  
Print Name of Applicant or Agent

  
Signature

4323 Utica Ave. Alex.  
Mailing/Street Address

(703) 212-4852  
Telephone # Fax #

Alexandria VA 22304  
City and State Zip Code

10.24.03  
Date

===== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

Special Use Permit # 2003-0104

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser  
☐ Lessee or ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

SOAD E. DAVIS 4323 UTKA AVE 100%

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ Yes. Provide proof of current City business license
- ☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

**NARRATIVE DESCRIPTION**

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Child Care provider  
from 7:00 — 6:00 Pm  
taking care of kids from Birth to 6 years  
old, duty is responsible for children  
" Feeding — Changing clothes, Diapers.  
taking children outside to Playground.  
" Also applied for a State License "

# USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☒ a new use requiring a special use permit,  
☐ a development special use permit,  
☒ an expansion or change to an existing use without a special use permit,  
☐ expansion or change to an existing use with a special use permit,  
☐ other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

6 to 9 children; 7:00 AM - 6:00 PM

PARENTS DURING DROP-OFF AND PICK-UP TIME

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

STAFF OF 3 PERSONS, 2 PERSONS ON DUTY BETWEEN  
7:00 AM TO 6:00 PM

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Monday

Tuesday

Wednesday

Thursday

Friday

Hours:

7 AM - 6 PM

7 AM - 6 PM

7 AM - 6 PM

7 AM - 6 PM

7 AM - 6 PM

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

\_\_\_\_\_  
 \_\_\_\_\_

B. How will the noise from patrons be controlled?

Children are subject to supervision by Adult  
Staff.

8. Describe any potential odors emanating from the proposed use and plans to control them:

Reasonable None

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Diaper Waste, Food Containers, Diapers

B. How much trash and garbage will be generated by the use?

Approximately 1 Trash Container

C. How often will trash be collected?

Once a Week

D. How will you prevent littering on the property, streets and nearby properties?

Staff will maintain property on a regular basis

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of residents, employees and patrons?

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### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

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## PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

\_\_\_\_\_

- B. How many parking spaces of each type are provided for the proposed use:

2 Standard spaces *incl. drop-off*

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

- C. Where is required parking located? ☒ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

\_\_\_\_\_

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? \_\_\_\_\_

- B. How many loading spaces are available for the use? \_\_\_\_\_

- C. Where are off-street loading facilities located? Directly in front of  
Home

\_\_\_\_\_



- D. During what hours of the day do you expect loading/unloading operations to occur?

7am - 8 AM unloading, 5pm - 6pm unloading

- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

2 times per day

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

street access is adequate

#### SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

\_\_\_\_\_ sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building ☒ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: \_\_\_\_\_

☐ an office building. Please provide name of the building: \_\_\_\_\_

☐ other, please describe: \_\_\_\_\_

**CHILD CARE SUPPLEMENTAL APPLICATION**

Supplemental information to be filed by applicants requesting special use permit approval of a child care home or child care center. All applicants must submit a plot plan of the property, showing play areas and parking and an interior floor plan.

**Child Care Homes**

Applicants requesting special use permit approval of a child care home for six to nine children within a home shall complete this section.

1. Is the proposed facility the principal residence of the operator? ☒ Yes. ☐ No.
2. Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? ☒ Yes. ☐ No.
3. How many children, including resident children, will be cared for? NINE (9)
4. How many children reside in the home? THREE (3)
5. How old are the children? (List the ages of all children to be cared for)  
 Resident: SIX (6), THREE (3), 23 MONTHS  
 Non-resident: 1 month to 6 years 6 months } current  
2 years
6. A minimum of 75 square feet of outdoor play area must be provided for each child above age two, on the lot.  
 Play area required:  
 Number of children above age two: 2 x 75 square feet = 150 square feet.  
 Play area provided: 1,500 square feet.
7. If the lot does not have room for on-site play area, is the child care home within 500 feet of a park or playground available for the children to play in? ☒ Yes. ☐ No.  
 If yes please describe the play area:  
play area is large back yard of home

If a play area that is not owned or leased by the operator is to be used by the children, written permission from the owner must be obtained and a copy submitted with this application.

Please note: child care homes are not permitted to display signs.

**Child Care Homes and Child Care Centers**

Applicants for both child care homes and child care centers (day care center, day nursery, and nursery schools) must complete the following section:

8. How many employees will staff the child care facility, including the operator?

THREE (3)

How many staff members will be on the job at any one time? TWO (2)

9. Where will staff and visiting parents park? CURBSIDE PARKING AVAILABLE IN FRONT OF HOME

10. Please describe how and where parents will drop-off and pick-up children.

DROP OFF/PICK-UP AREA DIRECTLY IN FRONT OF HOME  
ADJOINING DRIVEWAY.

11. At what time will children usually be dropped-off and picked-up.

Drop-off

7 AM

Pick-up

6 PM

12. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

BACK YARD SWING SET AND OUTDOOR PLAY EQUIPMENT

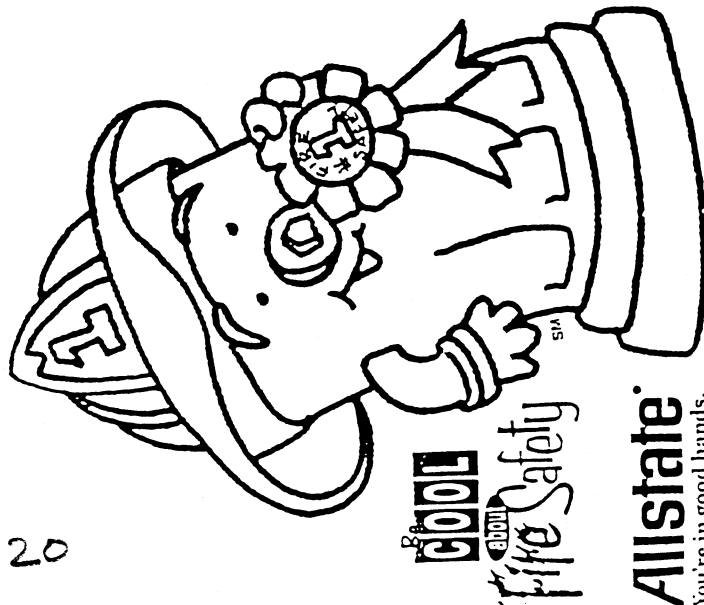
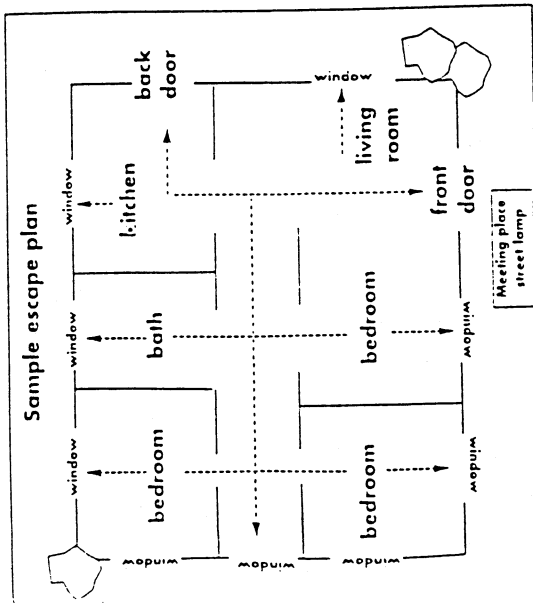
13. Are play areas on the property fenced? ☒ Yes. ☐ No.

If no, do you plan to fence any portion of the property?  
Please describe the existing or proposed fence.

☐ Yes. ☐ No.

# All Kids Safe

As Fire Marshal for your home you need to map out your escape routes and practice them with your family.



20

Soad Davis  
(703) 212-4852

Draw your own plan.

